

Report of Commissioning Manager, Children & Families Service

Report to Deputy Director, Children & Families Social Care

Date: 2nd November 2018

Subject: Appropriate Adult Service for West Yorkshire – Variation of Contract



Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	X No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	X No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	X No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: 10.4 (3) Appendix number: 2	Yes	X No

Summary of main issues

1. This report seeks approval to vary the contract with The Appropriate Adult Service Limited (TAAS Ltd) for the provision of an Appropriate Adult Service for West Yorkshire. Contract reference number DN287689.
2. The contract was commissioned during 2017/18 and commenced on 1st April 2018.
3. Leeds City Council hold the contract on behalf of Wakefield, Kirklees, Bradford and Calderdale Local Authorities. A steering group is in place to monitor the contract which includes representatives from the five local authorities and representatives from The Office of the Police and Crime Commissioner (OPCC) and West Yorkshire Police (WYP).
4. The variation to the contract is to respond to an unpredicted level of demand for Appropriate Adults.
5. The current value of the contract is £106,261 p.a. The variation will increase the contract value to £184,437 p.a.
6. The current contract is for a fixed number of call outs. The variation will change the contract to an unlimited number of call outs.

7. The current contract is for all responses for Appropriate Adults to be on a 'call out' basis to all custody suites. The variation will establish an in situ Appropriate Adult based at both Leeds & Bradford custody suites for 10 hours per day. The call out service (as currently used) would be in operation for all other custody suites and outside of the insitu hours in Leeds & Bradford.
8. Approving this variation will ensure continuity and consistent provision of a West Yorkshire wide Appropriate Adult service for young people and vulnerable adults and will:
 - Support the best council plan priorities of keeping people safe from harm.
 - This contract will support Children's Services commitment to:
 - Ensure that the most vulnerable are protected.
 - Reduce crime and anti-social behaviour.
 - Ensure that the Local Authorities continue to meet their statutory duty of provision of an Appropriate Adult service.

9. Recommendations

The Deputy Director, Children & Families Social Care is recommended to approve the variation of the contract to TAAS Ltd (contract reference DN287689). The variation will:

- Increase the contract value to £184,437 p.a.
- Vary the contract from a fixed number of call outs to an unlimited number of call outs.
- Establish an insitu model of delivery in Leeds & Bradford custody suites for 10 hours per day.

1 Purpose of this report

- 1.1 This report seeks approval to vary the contract with The Appropriate Adult Service Limited (TAAS Ltd) for the provision of an Appropriate Adult Service for West Yorkshire. Contract reference number DN287689.

2 Background information

- 2.1 An Appropriate Adult (AA) is an individual person responsible for protecting (or 'safeguarding') the rights and welfare of a child or 'mentally vulnerable' adult who is either detained by police or is interviewed under caution voluntarily. The role was created alongside the Police and Criminal Evidence Act (1984). The police custody sergeant is responsible for identifying people who require an AA. Local Authorities have a legal duty under the Crime and Disorder Act 1998 (s.38) to ensure provision of an AA for children via their Youth Offending Team (YOT). There is no legal duty on any agency to provide an AA for mentally vulnerable adults. However, it is part of the PACE code of practice.
- 2.2 In August 2017 a procurement exercise commenced to procure a West Yorkshire Appropriate Adult Service for young people and vulnerable adults. Following a competitive process the contract was awarded to TAAS Ltd in December 2017 and the contract commenced on 1st April 2018.

3 Main issues

- 3.1 The contract was scoped in 2017/18 and data used to inform the specification was from 2016. The annual anticipated demand was 1607 call outs. From April 2018-September 2018 (6 months) TAAS Ltd have received requests for 1707 call outs; double the number we anticipated them to respond to.
- 3.2 The significant increase in demand is largely down to the increasing need for AA's for vulnerable adults. Minor increases have been seen for requests for young people (against predicted demand) and this is largely due to the service now operating 24 hours a day, 365 days a year: whereas prior to the contract with TAAS Ltd provision was only during day time and Monday-Friday.
- 3.3 There have been a number of changes to PACE (Police and Criminal Evidence) - effective from July 2018. Significantly the following which have impacted on the increase in demand as WYP have been aware of, and been responding to, these changes coming into place:
- The terminology and test for whether an AA is required for an adult has changed:
2017: *"If an officer has any suspicion, or is told in good faith, that a person of any age may be mentally disordered or otherwise mentally vulnerable..."*
2018: *"If at any time an officer has any reason to suspect that a person of any age may be vulnerable."*
 - The definition of adults for whom an AA is required has changed:

2017: *“may have any disorder or disability of mind” or “because of their mental state or capacity, may not understand the significance of what is said, of questions or of their replies”*

2018: *“...because of a mental health condition or mental disorder”, one or more of a set of specified risk criteria applies (e.g. difficulty understanding full implications of procedures or significance or information, questions or replies; communicating effectively; prone to confusion, suggestibility, compliance, unintentional self-incrimination)*

2018: *“simply because an individual does not have, or is not known to have, any such condition or disorder, does not mean that they are not vulnerable for the purposes of this Code.”*

- There are new actions required of police regarding identifying vulnerability. The police must now:
 - ~*Make reasonable enquiries about what information is available about a person’s potential vulnerability (e.g. from people who know them, health and social care services);*
 - ~*Record whether any of the specified factors appear to apply (including if none): and*
 - ~*Make that record available to AAs (and others who communicate with the person).*

4 Corporate Considerations

4.4 Consultation and Engagement

4.4.1 A steering group is in operation which includes representatives from:

- Youth Offending.
- West Yorkshire Police (WYP).
- Office of Police & Crime Commissioner (OPCC).
- Leeds City Council – Children & Families Commissioning & Market Management.
- Adult Social Care.

The group have been monitoring the demand since commencement of the contract in April 2018 and have been consulted with regards to the proposed variation.

4.4.2 The West Yorkshire Youth Offending Team (YOT) Managers and Directors of Adult Social Care have been consulted on with regards to the demand pressures and contract variation.

4.4.3 Consultation has taken place with TAAS Ltd who have confirmed that they have capacity and ability to deliver in line with the proposed variation.

4.5 Equality and Diversity / Cohesion and Integration

4.5.4 An equality impact screening form has been completed and is attached as appendix 1.

4.6 Council policies and Best Council Plan

- 4.6.5 This variation continues to support the best council plan priorities of keeping people safe from harm.
- 4.6.6 This variation continues to support Children's Services commitment to:
- Ensure that the most vulnerable are protected.
 - Reduce crime and anti-social behaviour.
- 4.6.7 Maintaining the provision of a west Yorkshire wide service supports the recommendations noted in the joint inspections in 2016 by HM Inspectorate of Prisons / HM Inspectorate of Constabulary (in partnership with the Care Quality Commission).
- 4.6.8 Varying the contract with TAAS Ltd ensures that Police practice is in line with new PACE guidelines with regards to use of AA's for vulnerable adults.

4.7 Resources and value for money

- 4.7.1 The steering group consider that the variation delivers value for money.
- 4.7.2 Demand for the service has doubled from the predicted demand when the contract was initially scoped. The proposed variation allows for an unlimited number of callouts, which we anticipated to continue at least double that predicted, yet the financial increase is only 57%.
- 4.7.3 The variation will establish an insitu model at the two busiest custody suites (Leeds & Bradford) for 10 hours per day. This will enable much swifter access to AA's during this time.
- 4.7.4 Robust contract monitoring and joint contract management meetings with the steering group will be conducted throughout the life of the contract with representatives from the five West Yorkshire Local Authorities, the OPCC and WYP. This will ensure the contract delivers efficiently and effectively.
- 4.7.5 The recent Home Office paper 'Appropriate Adult PCC-Local Authority Partnership Agreement England – Improving provision for vulnerable adults ' paper estimates that the unit cost of a Social Worker attending a call out is £300-£400: having the contract with TAAS Ltd eliminates or vastly reduces this cost.

4.8 Legal Implications, Access to Information and Call In

- 4.8.1 The value of the variation is £184,437 p.a. and is therefore a significant operational decision. The decision is not subject to call in.
- 4.8.2 The value of the contract, once varied, will be £461,093 (from 1st October 2018 until 31st March 2021) and will therefore be under the EU threshold.
- 4.8.3 In varying the contract with TAAS Ltd there is a potential risk of challenge from other providers who may feel that this represents a material change to the contract and which may have affected their decision on whether to bid for the contract when it was tendered competitively.

4.8.4 The risk of not varying the contract is a risk to the continued delivery of a West Yorkshire Appropriate Adult service:

- The actual demand for AA's has doubled from the predicted demand. TAAS Ltd are not able to continue to deliver the provision without further financial investment to manage the increased number of AA's required. If provision from TAAS Ltd ceases there will be a loss of service and no AA provision will be available across the region.
- The service is delivered by volunteers. Considerable work was done to transition the volunteers to TAAS Ltd when the contract commenced on 1st April. A change of service provider would be a considerable risk to loss of volunteers as it's unlikely they would be willing to go through further transition so soon after the initial transition.
- TAAS Ltd, together with the steering group and other stakeholders, have done considerable work to embed the service in West Yorkshire so that West Yorkshire Police (WYP) have one point of contact for the provision. This has resulted in more timely attendance at custody and a better service for the young people and vulnerable adults. A change of provider would create a significant amount of upheaval and disruption and may result in delays and ability for AA's to be dispatched in a timely way.
- There is no capacity or resource within any of the five Local Authorities to deliver this service internally.

4.9 Risk Management

4.9.1 If this recommendation is not approved, an alternative solution would be required to ensure Local Authorities continue to meet their statutory duty for provision of an Appropriate Adult service.

4.9.2 A risk register is in place and has been maintained throughout the project.

5 Conclusions

5.1 The recommendations contained within this report will help ensure that there is continuity and consistent delivery and access to an Appropriate Adult Service across West Yorkshire for young people and vulnerable adults.

6 Recommendations

6.1 The Deputy Director, Children & Families Social Care is recommended to approve the variation of the contract to TAAS Ltd (contract reference DN287689). The variation will:

- Increase the contract value to £184,437 p.a.
- Vary the contract from a fixed number of call outs to an unlimited number of call outs.

- Establish an insitu model of delivery in Leeds & Bradford custody suites for 10 hours per day.

7 Background documents¹

7.1 N/A

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.